

EXHIBIT 6

1 Richard M. Heimann (State Bar No. 63607)
2 Kelly M. Dermody (State Bar No. 171716)
3 Eric B. Fastiff (State Bar No. 182260)
4 Brendan P. Glackin (State Bar No. 199643)
5 Dean M. Harvey (State Bar No. 250298)
6 Anne B. Shaver (State Bar No. 255928)
7 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
8 275 Battery Street, 29th Floor
9 San Francisco, CA 94111-3339
10 Telephone: (415) 956-1000
11 Facsimile: (415) 956-1008

12 Joseph R. Saveri (State Bar No. 130064)
13 Lisa J. Leebove (State Bar No. 186705)
14 JOSEPH SAVERI LAW FIRM
15 255 California, Suite 450
16 San Francisco, CA 94111
17 Telephone: (415) 500-6800
18 Facsimile: (415) 500-6803

19 *Interim Co-Lead Counsel for Plaintiffs and Plaintiff*
20 *Class*

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN JOSE DIVISION

24 IN RE: HIGH-TECH EMPLOYEE
25 ANTITRUST LITIGATION

26 THIS DOCUMENT RELATES TO:

27 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF MICHAEL DEVINE
IN SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Date: December 13, 2012
Time: 1:30 pm
Courtroom: 8, 4th Floor
Judge: Honorable Lucy H. Koh

1 I, Michael Devine declare as follows:

2 1. I make this statement on the basis of my personal knowledge and, if called as a
3 witness, could and would testify as to its contents. I worked for Defendant Adobe Systems, Inc.
4 ("Adobe") as a Computer Scientist/Software Developer, on a salaried basis, from approximately
5 October 2006 through approximately July 2008. I am a named plaintiff in this lawsuit.

6 2. Before filing this lawsuit, I became aware of the United States Department of
7 Justice ("DOJ") investigation regarding agreements Adobe, and other Defendants entered into to
8 eliminate competition for labor. I believe I was harmed by such no cold calling or no solicitation
9 agreements, and that my wages and those of other employees like me were artificially suppressed.

10 3. I retained counsel to file a class action lawsuit on my behalf, and on behalf of a
11 class of other similarly situated individuals, to hold Defendants accountable for their wrongful
12 acts, to seek compensation for those the Defendants harmed, and to deter such misconduct in the
13 future. That case was filed in California Superior Court, Santa Clara County, on June 28, 2011.
14 The case was subsequently removed by Defendants to United States District Court for the
15 Northern District of California. On September 12, 2011, my case was consolidated with four
16 other similar cases, and my counsel filed a Consolidated Amended Complaint on September 13,
17 2011. (Dkt. No. 65.)

18 4. I seek appointment as a class representative so that I may represent other people
19 with similar claims and damages. I believe a class lawsuit will save time, money, and effort, and
20 thus will benefit all parties and the Court. I believe this class action is an important tool to assure
21 Defendants' compliance with the law and to ensure just compensation to all those similarly
22 situated to me.

23 5. I understand the duties of a class representative to include the following:

24 a. A class representative represents the interests of all members of the class to
25 recover damages for the class, and any other relief as appropriate.

26 b. A class representative has claims which are typical of those of the class,
27 and thus involve common issues of law or of fact. For example, as a class representative, my
28

1 claims against Defendants are typical of the class claims against them, because each class
2 member incurred damages as a result of the same course of Defendants' misconduct.

3 c. A class representative always considers the interests of the class just as the
4 class representative considers his or her own interests.

5 d. A class representative participates actively in the lawsuit, such as by
6 testifying at deposition and trial, answering written interrogatories, and by keeping generally
7 aware of the status and progress of the lawsuit. I have participated actively in this lawsuit and
8 will continue to do so. I have made myself available for deposition. I have answered several
9 interrogatories, and I have supplemented those answers twice, at Defendants' request. I have
10 searched and provided all documents in my custody or control responsive to Defendants'
11 document requests. I have followed the status and progress of this lawsuit.

12 e. A class representative recognizes and accepts that any resolution of the
13 lawsuit, such as by settlement or dismissal, is subject to court approval, and must be in the best
14 interests of the class as a whole.

15 6. If the Court appoints me as a class representative I will perform these duties to the
16 best of my ability.

17 I declare under penalty of perjury under the laws of California and the United States that
18 the foregoing is true and correct.

19
20 Executed on September 24, 2012 in Seattle, Washington.

21
22 By: 